

## **DETAILED ACTION**

### ***Response to Amendment***

Receipt of applicant's amendment filed on 11/02/2011 is acknowledged.

### ***Claim Objections***

Claim 25 is objected to because of the following informalities: Applicant cancelled this claim in the amendment filed 6/15/2011. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 16-19, 21-26, and 28-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Sharp (6,165,066). These three references, when considered together, teach all of the elements recited in claims 1, 16-19, 21-26, and 28-42 of this application.

In particular, claim 1 of this application is obvious when Smith is viewed in light of Sharp. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) each having ends (e.g., with first and second endwall portions 11 O, 112) and longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84) and being configured to be arranged end-to-end covering an open ridge (40)

of a roof (42); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) that extend along and inboard of the longitudinal edges (top edges of lips 82, 84) of the ridge vent (20); and a plurality of fasteners (anchoring nails 140) located between the longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84) of at least some of the ridge vent sections (20), said fasteners (140) being positioned for use in fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 1 of this application further discloses that a plurality of fasteners are removably secured to each of the vent sections, said fasteners being positioned to be removed by an installer of said ventilation system for use along vent sections at locations different from the first locations for fastening said vent sections. Smith does not disclose these additional limitations. Sharp teaches a plurality of fasteners (200) are removably secured (remove from the pre-position to a fastened position by installer hammering the nails in) to each of the vent sections, said fasteners (200) being positioned to be removed by an installer of said ventilation system (remove from the pre-position to a fastened position by installer hammering the nails in) for use along vent sections at locations (nailed in location) different from the first locations (pre-position, Fig.19) for fastening said vent sections. See Sharp, Figures 1-22; column 10, lines 29-52. Therefore, when Smith is viewed in light of Sharp, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) in holders removably secured between the longitudinal peripheral edges of each ridge vent section (20) via a plastic or wax end cap for removal during installation, as taught by Sharp, in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharp, col.1 ll.32-34).

Moreover, claim 16 of this application is obvious when Smith is viewed in light of Sharp. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) configured to be arranged end-to-end covering an open ridge (40) of a roof (42), each ridge vent section (20) having ends (e.g., with first and second endwall portions 110, 112) and opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) and having integrally formed features (e.g., molded guides 144 - see Fig. 4) located between the opposed longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84), the features (144) being configured to receive and hold respective fasteners (e.g., anchoring nails 140) in a fixed orientation; and a plurality of fasteners (anchoring nails 140) to be used in fastening said ridge vent sections (20) to a roof (42). Refer to Smith,

Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 16 of this application further discloses that each of said ridge vent sections configured to receive and releasably hold respective fasteners in accessible storage positions along each of said ridge vent sections; and a plurality of fasteners stowed in respective features on at least one of said ridge vent sections between the opposed longitudinal edges thereof prior to arrangement of the ridge vent sections on a roof to be used in fastening said ridge vent sections to a roof; the fasteners being stowed in a storage position prior to arrangement of the ridge vent sections on a roof and being removable therefrom for application in a fastening position that is different from the storage position when the ridge vent sections are fastened to the roof. Smith does not disclose this additional limitation. Sharp teaches, each of said vent sections configured to receive and releasably hold respective fasteners (200) in accessible storage positions (pre-nailed position) along each of said vent sections (Fig.22); and a plurality of fasteners (200) stowed in respective features (212) on at least one of said vent sections (Fig.22) between the opposed longitudinal edges thereof (Fig.22) prior to arrangement of the vent sections on a wall (as shown in Fig.9) to be used in fastening said vent sections to a wall (Fig.22); the fasteners (200) being stowed in a storage position (pre-nailed position shown in Fig.19) prior to arrangement of the ridge vent sections on a wall and being removable therefrom for application in a fastening position (nailed position as shown in Fig.22) that is different (straightened position) from the storage position (Fig.19) when the vent sections are fastened to the

wall (Fig.22). See Sharp, Figures 1-22; column 10, lines 29-52. Therefore, when Smith is viewed in light of Sharp, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably stowed in the integrally formed features (144) between the longitudinal peripheral edges of each ridge vent section (20) prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Sharp, in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharp, col.1 ll.32-34).

In regard to claims 17 and 28, Smith further discloses that each of said ridge vent sections (20) further comprises wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grids (58, 60). See Smith, Figure 5 and column 3, lines 53-67. Therefore, Smith in view of Sharp. also renders the limitations set forth in these claims obvious.

In regard to claims 18 and 29, Smith further discloses that each of said wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) is supported by an array of buttresses (spaced baffles 105, 107) extending between said wind baffle (78, 80) and the corresponding ventilation grid (58, 60). Refer to Smith, Figure 5 and column 3, lines 53-67. Consequently, Smith in view of Sharp also renders the limitations set forth in claims 18 and 29 obvious.

In regard to claims 19 and 23, Smith further discloses that the plurality of fasteners comprises nails (anchoring nails 140). See Smith, Figure 2 and column 5,

lines 37-41. Thus, Smith in view of Sharp also renders the limitations set forth in claims 19 and 23 obvious.

In regard to claim 21, Smith further discloses that the fasteners (e.g., anchoring nails 140) are driven into holes (bores 142) formed along the lengths of said ridge vent sections (20). Refer to Smith, Figure 2 and column 5, lines 37-41. Therefore, Smith in view of Sharp also renders the limitations set forth in this claim obvious.

In regard to claim 22, Smith further discloses that the holes (bores 142) are disposed in said laterally flexible panel (e.g., top panel portion 22 with flexible midsection 36). See Smith, Figures 2-4 and column 5, lines 37-41. Consequently, Smith in view of Sharp also renders the limitations set forth in claim 22 obvious.

In regard to claims 24 and 30, Sharp further teaches that a sufficient number of fastening elements (200) are removably secured to the apparatus (30) for permanently fastening the apparatus (30) in place (the apparatus 30 is provided with a requisite quantity of nails 200) so that additional, external fastening elements are not required. Refer to Sharp, Figures 1-22; column 10, lines 29-52. Therefore, when Smith is viewed in light of Sharp, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the ridge ventilation system of Smith by providing a sufficient number of fasteners (e.g., nails) to fasten said ridge vent section (20) to a roof (42) and to fasten shingles over the ridge vent section (20), as additionally taught by Sharp, in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharp, col.1 ll.32-34)

In regard to claims 25 and 31, the modified ridge ventilation system of Smith further teaches that the plurality of fasteners (e.g., nails) is removably stowed/carried by the features (212 of Sharp) on said ridge vent section (20). Refer to Sharp, Figure 22 and column 3, lines 6-17. Thus, Smith in view of Sharp also renders the limitations set forth in claims 25 and 31 obvious.

Furthermore, claim 26 of this application is obvious when Smith is viewed in light of Sharp. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) configured to be arranged end-to-end covering an open ridge (40) of a roof (42), each ridge vent section (20) having opposed ends (e.g., with first and second end wall portions 110, 112) and opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) extending along and inboard of said opposed longitudinal edges (top edges of lips 82, 84); at least some of said ridge vent sections (20) being formed to define features (e.g., molded guides 144 - see Fig. 4) located between the longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84) of the ridge vent sections (20) and configured to receive and hold respective fasteners (e.g., anchoring nails 140) in a fixed orientation with respect to said ridge vent sections (20); and, a plurality of fasteners (anchoring nails 140) to be used in fastening said ridge vent sections (20) to a roof (42). Refer to

Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 26 of this application further discloses that the plurality of fasteners are carried by the features of at least one of said ridge vent sections at locations between said longitudinal edges thereof before said ridge vent sections are arranged on a roof, or said fasteners being disposed in a storage position before said ridge vent sections are arranged on a roof and each being removable from said storage position for disposition in a fastening position different from said storage position after said ridge vent sections are arranged on and fastened to the roof. Smith does not disclose this additional limitation.

Sharp teaches plurality of fasteners (200) are carried by the features (212) of at least one of said vent sections (34, 35) at locations between said longitudinal edges (Fig.22) thereof before said ridge vent sections are arranged on a wall (Fig.22), or said fasteners (200) being disposed in a storage position (pre-nailed position, Fig.19) before said ridge vent sections are arranged on a wall (before vent 30 is installed) and each being removable from said storage position (Fig.19) for disposition in a fastening position (Fig.22, nail position) different from said storage position after said ridge vent sections are arranged on and fastened to the wall (col.10 ll.29-52). See Sharp, Figures 1-22; column 10, lines 29-52. Therefore, when Smith is viewed in light of Sharp, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably carried by the defined



features (144) between the longitudinal peripheral edges of each ridge vent section (20) prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Sharp, in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharp, col.1 ll.32-34).

In addition, claim 32 of this application is obvious when Smith is viewed in light of Sharp. Smith discloses the invention substantially as claimed, including: an elongated central panel (e.g., top panel portion 22 with flexible midsection 36) having opposed ends (e.g., with first and second end wall portions 110, 112) joined by opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); a plurality of features (e.g., molded guides 144 - see Fig. 4) integrally formed in said ridge vent section (20) between said opposed longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84), the features (144) being configured to hold respective fasteners (e.g., anchoring nails 140) in a fixed orientation relative to said ridge vent section (20); a ventilation grid (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) formed along an edge of said central panel (22, 36); and a fastener (e.g., anchoring nail 140) for fastening said ridge vent section (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 32 of this application further discloses that the fastener is held by a respective feature and stowed on said ridge vent section between said longitudinal edges before said ridge vent section is installed on a roof; the fastener having a first

position relative to the ridge vent section when stowed in said features and a second position different from the first position relative to the ridge vent section when fastening the ridge vent section to the roof. Smith does not disclose this additional limitation.

Sharp teaches the fastener (200) is held by a respective feature (212) and stowed on said vent section (34 and 35) between said longitudinal edges (Fig.22) before said vent section is installed on a wall (col.10 ll.29-52); the fastener (200) having a first position (Fig.19, pre-nailed position) relative to the vent section (34 and 35) when stowed in said features (212) and a second position (Fig.22, a nail position) different from the first position relative to the ridge vent section when fastening the ridge vent section to the wall. See Sharp, Figures 1-22; column 10, lines 29-52. Therefore, when Smith is viewed in light of Sharp, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably stowed in the integrally formed features (144) between the longitudinal peripheral edges of each ridge vent section (20) prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Sharp, in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharp, col.1 ll.32-34).

In regard to claim 33, Smith further discloses a hole (e.g., bore 142) in said panel (e.g., top panel portion 22 with flexible midsection 36). See Smith, Figures 2-4 and column 5, lines 37-41. Therefore, Smith in view of Sharp also renders the limitations set forth in this claim obvious.

In regard to claim 34, Smith further discloses that the fastener (e.g., anchoring nail 140) is driven into said hole (e.g., bore 142) when fastening said ridge vent section (20) to a roof (42). Refer to Smith, Figures 2-4 and column 5, lines 37-41. Consequently, Smith in view of Sharp also renders the limitations set forth in claim 34 obvious.

In regard to claim 35, Smith further discloses that the fastener is a nail (anchoring nail 140). See Smith, Figures 2-4 and column 5, lines 37-41. Thus, Smith in view of Sharp also renders the limitations set forth in claim 35 obvious.

In regard to claim 36, Smith further discloses that the central panel (e.g., top panel portion 22 with midsection 36) is laterally flexible (the midsection 36 is laterally flexible). Refer to Smith, Figures 2, 3, and 5; column 2, lines 46-62. Therefore, Smith in view of Sharp also renders the limitations set forth in this claim obvious.

In regard to claim 37, Smith further discloses a wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grid (58, 60). See Smith, Figure 5 and column 3, lines 53-67. Consequently, Smith in view of Sharp also renders the limitations set forth in claim 37 obvious.

In regard to claim 38, Smith further discloses a drain trough (gutters 70, 72) formed between said ventilation grid (58, 60) and said wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84). Refer to Smith, Figures 2 and 5 and column 3, lines 44-52. Thus, Smith in view of Sharp also renders the limitations set forth in claim 38 obvious.

In regard to claim 39, Smith further discloses a weep hole (outer drain wall openings 106) formed along said drain trough (gutters 70, 72). Refer to Smith, Figures 3, 4, and 6; column 3, lines 44-52. Therefore, Smith in view of Sharp also renders the limitations set forth in this claim obvious.

In regard to claims 40, 41, and 42, Smith further discloses that said features (e.g., molded guides 144 - see Fig. 4) are disposed along said ventilation grids (e.g., first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68). See Smith, Figure 4; column 3, lines 30-44; and column 5, lines 37-41. Consequently, Smith in view of Sharp also renders the limitations set forth in claims 40, 41, and 42 obvious.

**Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Sharp (6,165,066) as applied to claim 17 above, and further in view of Gates (US 5,149,301). These four references, when considered together, teach all of the elements recited in claim 20 of this application.

In particular, claim 20 of this application is obvious when Smith is viewed in light of Sharp, and further viewed in light of Gates. As described above, Smith, as modified by Sharp, discloses all the elements of base claim 17, the claim upon which this claim depends. Moreover, with respect to claim 20, Smith further discloses a drain trough (gutters 70, 72) formed between each of said ventilation grids (58, 60) and its corresponding wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84), weep holes (outer drain wall openings 106) formed along each of said drain troughs (70, 72) for promoting the escape of water from said drain troughs (70, 72). Refer to Smith,

Figures 2-6 and column 3, lines 44-52. However, claim 20 of this application further discloses upstanding barriers positioned along said drain troughs and aligned with said weep holes for preventing rain from being blown through said weep holes and into said ventilation grids. Smith, as modified by Sharp, does not contain these additional limitations. Gates, although, teaches a roof ridge ventilator (10) having drain troughs (e.g., spaces 28) disposed on laterally opposed sides thereof, weep holes (drain openings 30) formed along each of the drain troughs (28) for promoting the escape of water from the drain troughs (28), and upstanding barriers (inner, wind deflecting baffles 32) positioned along the drain troughs (28) and aligned with the weep holes (30) for the purpose of preventing wind driven rain and/or snow from being blown through the weep holes (30) and into the ventilator (10). Refer to Gates, Figures 1-2; column 2, lines 28-43; column 3, lines 43-68; and column 4, lines 1-3. Therefore, when Smith is viewed in light of Sharp, and further viewed in light of Gates, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith in view of Sharp by adding upstanding barriers (32) in the drain troughs (70, 72) behind each of the weep holes (106), as taught by Gates, in order to prevent wind driven rain and/or snow from being blown through the weep holes (106) and into the ridge vent sections (20). Refer to Gates, column 3, lines 52-66.

***Allowable Subject Matter***

Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 12-15 are allowed.

***Response to Arguments***

Applicant's arguments filed 11/2/2011 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) in holders removably secured between the longitudinal peripheral edges of each ridge vent section (20) via a plastic or wax end cap for removal during installation, as taught by Sharp, in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharp, col.1 ll.32-34).

Applicant contends that SHARP teaches away from SMITH because there is no room on the ridge vent of SMITH to adhere the fastener taught by SHARP. SMITH

clearly shows in Figure 2 where the fasteners 200 of SHARP are secured by an "easily releasable adhesive 214" col.20 11.39-41 and clearly the pre-nailed position is one position attached to lips 212 by adhesive 214 and then the fastener is removed and nailed in to a second nailed in position as described col.10 11.29-52.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a convenient arrangement system that enables the fasteners to be contained and thereafter removed and placed as needed for securing the ridge vent sections on a roof under a variety of conditions" and "nails were being provided in a position to be removed by an installer for use at separate, different locations") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant contends that GATES does not teach upstanding barriers positioned along said drain troughs and aligned with weep holes for preventing rain from being blown through said weep holes and into said ventilation grids, as taught by Claim 20. AS clearly stated in the rejection, GATES teaches a roof ridge ventilator having drain troughs, weep holes and upstanding barriers (inner, wind deflecting baffles (32)) positioned along the drain troughs (28) and aligned with the weep holes (30) for the purpose of preventing wind driven rain and/or snow from being blown through the weep holes (30) and into the ventilator (10).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMANTHA MILLER whose telephone number is (571)272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/25/2012

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